

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STEVEN SNODGRASS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 12-cv-50-JPG

Criminal No 09-cr-30039-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Steven Snodgrass' motion to alter or amend (Doc. 53) the Court's April 21, 2015, order (Doc. 51) granting the Government's motion to dismiss (Doc. 49) Snodgrass' motion to vacate the judgment in this § 2255 case pursuant to Federal Rule of Civil Procedure 60(d)(3) (Doc. 48). Snodgrass complains that the Court did not allow him an opportunity to respond to the Government's motion before granting it.

In truth, the Court would have dismissed *sua sponte* Snodgrass' motion to vacate for lack of jurisdiction even if the Government had not filed a motion to dismiss. The Court does not have jurisdiction to hear successive petitions, and is not dependent on the Government to point that out and to ask for dismissal.

In fact, Snodgrass' current motion *also* challenges the Court's prior adverse decision on his § 2255 motion or advances a new ground for relief from his conviction. Therefore it is a successive petition. *See Gonzalez v. Crosby*, 545 U.S. 524, 531 (2005) (*habeas context*); *see United States v. Scott*, 414 F.3d 815, 816 (7th Cir. 2005) (considering post-judgment Rule 6(e) motion). In order for this Court to consider a successive petition, the Seventh Circuit Court of Appeals must certify the successive petition pursuant to 28 U.S.C. § 2255(h). *Curry v. United States*, 507 F.3d 603, 604 (7th Cir. 2007); *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996).

The Court of Appeals has not made such a certification. Therefore, the Court does not have jurisdiction to consider Snodgrass' motion to alter or amend. Accordingly, the Court

DISMISSES Snodgrass' motion (Doc. 53) for **lack of jurisdiction**.

The Court further **DISMISSES** Snodgrass' motion for the Court to order the Government to disclose to him certain documents relating to his criminal case (Doc. 54) for **lack of jurisdiction** for the same reasons it denied a similar motion in an April 28, 2015, order (Doc. 52).

IT IS SO ORDERED.

DATED: May 15, 2015

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE